

COTE, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL A. CARTER and MEREDITH CARTER,

Plaintiffs,

09 Civ. 4328 (DLC)

-against-

36 HUDSON ASSOCIATES, LLC, JOSEPH PELL
LOMBARDI & ASSOCIATES, ARCHITECTS,
JOSEPH PELL LOMBARDI, TRIBECA 22
INVESTMENTS LTD., SERVET HARUNOGLU,
ONURHAN HOMRIS and ADG ARCHITECTURE
& DESIGN, P.C.,

STIPULATION AND
ORDER OF
DISMISSAL WITH
PREJUDICE

Defendants.

-----X
36 HUDSON ASSOCIATES, LLC.,

Third-Party Plaintiff,

-against-

FBR CONSTRUCTION GROUP LLC
and JAY FURMAN,

Third-Party Defendants.

-----X
FBR CONSTRUCTION GROUP LLP and JAY
FURMAN,

Fourth-Party Plaintiffs,

-against-

L'ABBAYE REAL ESTATE, LLC, DAMO
CONSTRUCTION CO., INC. and ZR
CONTINENTAL CORP.,

Fourth-Party Defendants.
-----X

IT IS HEREBY STIPULATED, CONSENTED, AND AGREED by and between the
undersigned counsel for the parties in the above entitled action that, with the exception of the

claims asserted in the third-party action which may be litigated in state court notwithstanding the dismissal with prejudice of this action, the action, including all claims (including the claims asserted in the original complaint which were previously dismissed without prejudice), counterclaims, cross-claims, fourth-party claims, and defenses, is dismissed with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil procedure, without costs to any party.

IT IS FURTHER STIPULATED, CONSENTED, AND AGREED by and between the undersigned counsel for the parties in the above entitled action that the dismissal with prejudice of this action shall have no effect on, shall not waive, and is without prejudice to, the claims, cross-claims and defenses asserted in the third-party action entitled FBR Construction Group LLC et al. v. Abednego Associates, Inc. d/b/a AAI et al., Supreme Court, New York County, Third-Party Index No. 590965/09.

Dated: New York, New York
January 20, 2011

*The Clerk of Court shall
close the case.*

So ordered.

James C. A.
3/2/11

SHEPS LAW GROUP, P.C.

By: Robert Sheps by R.S.
Robert Sheps
35 Pinelawn Road, Suite 106 East
Melville, NY 11747
(631) 249-5600
Attorneys for Plaintiffs

DUANE MORRIS LLP

By: Fran M. Jacobs
Fran M. Jacobs
1540 Broadway
New York, NY 10036
(212) 692-1000
Attorneys for Defendants 36 Hudson Associates,
LLC, Tribeca 22 Investments Ltd., Servet
Harunoglu, and Onurhan. Morris and Third-
Party Plaintiff 36 Hudson Associates, LLC

SHAUB ARMSTRONG, CITRIN & SPRATT, LLP

By: 

Steven Goldstein

1983 Marcus Avenue
Lake Success, NY 11042
(516) 488-3300
Attorneys for Defendants
Joseph Pell Lombardi & Associates, Architects
and Joseph Pell Lombardi, R.A.

COZEN O'CONNOR

By: 

Kenneth G. Roberts

277 Park Avenue *JAMES C. SIMPSON*
New York, NY 10177
(212) 883-4914
Attorneys for Third-Party Defendant and Fourth-Party
Plaintiff FBR Construction Group LLP
and Jay Furman

LEWIS, BRISBOIS, BISGAARD & SMITH, LLP

By: 

Bryan T. Schwartz

77 Water Street, 21st Floor
New York, NY 10005
(646) 666-7673
Attorneys for Fourth-Party Defendant
L'Abbaye Real Estate LLC

HODGES, WALSH & SLATER, LLP

By: 

Stephen H. Slater

55 Church Street, Suite 211
White Plains, NY 10601
(914) 385-6000
Attorneys for Fourth-Party Defendant
ZR Continental Corp.

PAPADOPOULOS-VLANTES & MOEHRING, LLC

By: 

Aglaia Papadopoulos-Vlantes
901 Sheridan Avenue-3rd Floor
Bronx, NY 10451
(718) 728-6100
Attorneys for Fourth-Party Defendant
Damo Construction Co., Inc.

SO ORDERED:

U.S.D.J.

